

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ASHLEY CORNELIA SCHMITT,	}	Case No. 8:23-cv-01321-JFW (DTB)
Plaintiff,		ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
v.		
ORANGE COUNTY, CALIFORNIA, et al.,		
Defendants.		

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and accepts the findings, conclusions and recommendations of the Magistrate Judge.

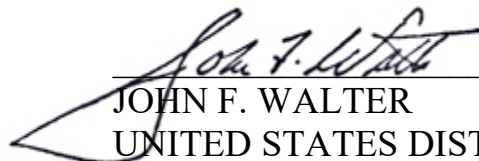
IT THEREFORE IS ORDERED that the County Defendants' Motion to Dismiss (Docket Nos. 26, 26-1, 36) is granted in part and denied in part, dismissing with leave to amend the Section 1983 claims alleged against the County of Orange, dismissing with leave to amend the misrepresentation claim alleged against the

1 Social Worker Defendants and the respondeat superior claim alleged against the
2 County of Orange, dismissing without leave to amend the Unruh Civil Rights Act
3 and negligence claims alleged against the Social Worker Defendants, and denying
4 without prejudice the Motion to Dismiss on the basis of the failure to comply with
5 the applicable statute of limitations.

6 Plaintiff is ORDERED, if she still desires to pursue this action, to file a Second
7 Amended Complaint within thirty (30) days of the date of this Order accepting the
8 Report and Recommendation remedying the deficiencies discussed in the Report and
9 Recommendation.

10 If Plaintiff chooses to file a Second Amended Complaint, it should bear the
11 docket number assigned in this case; be labeled "Second Amended Complaint"; and
12 be complete in and of itself without reference to the Complaint, FAC, or any other
13 pleading, attachment, or document.

14
15 DATED: September 6, 2024


JOHN F. WALTER
UNITED STATES DISTRICT JUDGE